

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Roger Peter Rinaldi and Desa Lilly Rinaldi,

Debtors

Case No. 11-3689-SVK-13

Roger Peter Rinaldi and Desa Lilly Rinaldi,

Adversary Proceeding No: 12-02412-SVK

Plaintiffs,

v.

HSBC Bank USA, N.A., et al.

Defendants

**NOTICE OF MOTION AND MOTION TO DISMISS ADVERSARY COMPLAINT
AGAINST DEFENDANTS HSBC BANK, USA, N.A., WELLS FARGO BANK, N.A.,
WELLS FARGO ASSET SECURITIES CORPORATION, LITCHFIELD CAVO LLP
AND BRAD MARKVART PURSUANT
TO FED. R. CIV. P. 12(b)(6) AND FED. R. BANKR. P. 7012**

TO: ALL PARTIES AND COUNSEL OF RECORD

PLEASE TAKE NOTICE that defendants HSBC Bank, USA, N.A., Wells Fargo Bank, N.A., Wells Fargo Asset Securities Corporation, Litchfield Cavo LLP, and Brad Markvart hereby move the Court to dismiss the plaintiffs' adversary complaint against them, in its entirety, for failure to state a claim upon which relief may be granted, pursuant to Fed. R. Civ. P 12(b)(6) and Fed. R. Bankr. P. 7012. The bases for the motion are set forth in the accompanying brief, and affidavit, together with other papers heretofore filed and served in this action.

This motion will be heard by the Honorable Susan V. Kelley in her courtroom at the United States Courthouse for the Eastern District of Wisconsin, located at 517 East Wisconsin

Avenue, Milwaukee, WI 53202, on October 17, 2012 at 1:00 p.m.

Dated this 21st day of August, 2012.

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Fargo Asset Securities Corporation, HSBC
Bank, USA, N.A., Litchfield Cavo LLP and
Brad A. Markvart

s/Stephanie L. Dykeman
Stephanie L. Dykeman